

Application No: 09/887,747  
Attorney's Docket No: US 000168

The Office Action rejects claims 1-3, 5, 7, 8, 12-19, 21, 22, 26-31, 33-36, 40-43, and 45 under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 6,275,531 to Li (hereinafter "Li"). The Office Action rejects claims 9-11, 23-25, and 37-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li in view of U.S. Patent No. 5,995,150 to Hsieh et al. (hereinafter "Hsieh"). Applicant respectfully traverses the above rejections for at least the reasons set forth below.

#### REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects claims 1-3, 5, 7, 8, 12-19, 21, 22, 26-31, 33-36, 40-43, and 45 under 35 U.S.C. § 102(e) as allegedly being unpatentable over Li. Applicant respectfully traverses this rejection. Applicant respectfully submits that Li fails to disclose, teach, or suggest the subject matter according to the combinations recited in independent claims 1, 15, 29, 41, and 45.

Claims 1, 15, 29, and 45 recite transmitting or generating "an indicator that causes said first set of criteria to be used for a subsequent one of said frames if a second set of criteria for the subsequent one of said frames is substantially the same as said first set of criteria." This subject matter relates to the use of an indicator in subsequent transmissions to apply a previously established enhancement criterion to the current transmission frame. The removal of the shift factor criteria layer by the incorporation of an indicator reduces the number of overhead or non-video content bits thereby permitting transmission of additional bit-planes of the enhancement layer.

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Applicant respectfully submits that Li does not disclose, teach, or suggest this subject matter. The system of Lee encodes a video into two layers using a base layer encoder and an enhancement layer encoder. See col. 5, ln. 30-46. The enhancement layer bitstreams are prioritized based on a desired transmission order. See col. 5, ln. 47-56. The number of bitstream layers reaching the destination point is limited by the congestion of the network, thereby necessitating the dropping of bitstream layers according to their priority. See col. 5, ln. 57-67. Although the transmission priority for bitstreams is specified, the system of Li does not use an indicator to avoid retransmission of an enhancement layer bitstream when the bitstream is substantially the same as the enhancement layer bitstream of a previous frame. In other words, each bitstream is transmitted for each frame dependent on the bitstream's priority and not on the value of an indicator that causes a previous enhancement layer bitstream to be used for a subsequent frame.

Consequently, Applicant respectfully submits that Li does not disclose, teach, or suggest transmitting or generating "an indicator that causes said first set of criteria to be used for a subsequent one of said frames if a second set of criteria for the subsequent one of said frames is substantially the same as said first set of criteria," as recited in claims 1, 15, 29, and 45. Claims 2-3, 5, 7, 8, and 12-14 depend from allowable claim 1 and are also allowable over Li at least by virtue of their dependencies. Claims 16-19, 21, 22, and 26-28 depend from allowable claim 15 and are also allowable over Li at least by virtue of their dependencies. Claims 30, 31, 33-36, and 40 depend from allowable claim 29 and are also allowable over Li at least by virtue of their

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dependencies. Claims 42 and 43 depend from allowable claim 41 and are also allowable over Li at least by virtue of their dependencies.

Claim 41 recites "means for transmitting an indicator if a second set of criteria for a subsequent one of said frames is substantially the same as said first set of criteria." This subject matter relates to the use of an indicator in subsequent transmissions to apply a previously established enhancement criterion to the current transmission frame in order to reduce overhead.

Applicant respectfully submits that Li does not disclose, teach, or suggest this subject matter. As discussed with respect to claims 1, 15, 29, and 45, the system of Li does not use an indicator to avoid retransmission of an enhancement layer bitstream when the bitstream is substantially the same as the enhancement layer bitstream of a previous frame. As described in Li, each bitstream is transmitted for each frame dependent on the bitstream's priority and not on the value of an indicator that causes a previous enhancement layer bitstream to be used for a subsequent frame.

Consequently, Applicant respectfully submits that Li does not disclose, teach, or suggest "means for transmitting an indicator if a second set of criteria for a subsequent one of said frames is substantially the same as said first set of criteria," as recited in claim 41.

For at least the forgoing reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn.

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### REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects claims 9-11, 23-25, and 37-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li in view of Hsieh. Applicant respectfully traverses this rejection.

Claims 9-11 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with the rejection of claim 1. Claims 23-25 are allowable based at least on their dependence from claim 15 for the reasons stated above in connection with the rejection of claim 15. Claims 37-39 are allowable based at least on their dependence from claim 29 for the reasons stated above in connection with the rejection of claim 29. Hsieh fails to overcome the deficiencies in Li described above. For at least the forgoing reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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Respectfully submitted,  
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